

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-mj-04329-Sanchez

IN RE SEALED COMPLAINT

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.
CHRISTOPHER ROBERTSON,

Case No. 24-mj-04329-Sanchez

Defendant.

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 2021 to January 2023 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 371, 18 U.S.C. § 1519, Conspiracy to commit an offense against the United States, Obstruction of an investigation.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Complainant's signature

Ariel Rodriguez, Special Agent, HSI
Printed name and title
(No. 7386)

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: November 5, 2024

Judge's signature

City and state: Miami, Florida

Honorable Eduardo I. Sanchez, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ariel Rodriguez, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with Homeland Security Investigations (“HSI”), an agency within the U.S. Department of Homeland Security. I have been employed by HSI for approximately 15 years. I am currently assigned to the HSI Miami Commercial Fraud Group, where my primary responsibilities include the investigation of customs fraud schemes such as anti-dumping and countervailing duty evasion, the undervaluation and misclassification of imported goods, and other schemes that defraud the United States of revenue and that detrimentally affect domestic industries.

2. I submit this affidavit in support of a criminal complaint charging Christopher ROBERTSON, a citizen of the United Kingdom, with conspiracy to commit an offense against the United States, in violation of 18 U.S.C. §§ 371 and 545, and obstruction of justice, in violation of 18 U.S.C. § 1519.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that the defendant committed the offenses set out herein.

4. The information set forth in this affidavit is based on my investigation, my training and experience, information relayed to me by other law enforcement officers and other individuals, and my examination of reports and records. This affidavit is intended to show merely that there is sufficient probable cause for the requested Complaint and does not set forth all of my knowledge about this matter.

5. As described below, there is probable cause to believe that ROBERTSON conspired to commit an offense against the United States, namely, to smuggle merchandise into the United States, in violation of 18 U.S.C. §§ 371, 545, and obstructed justice, in violation of 18 U.S.C. § 1519.

Importing Goods into the United States

6. The U.S. Customs and Border Protection (“CBP”), an agency of the U.S. Department of Homeland Security, was responsible for examining goods entering the United States to ensure they were admissible under, and in compliance with, federal laws and regulations. CBP was also responsible for assessing and collecting import duties, taxes, and fees on those goods.

7. In order to facilitate the entry of goods into the United States, a Customs broker, acting as an authorized representative of the importer, filed entry documents with CBP.

8. CBP Entry Forms 7501 (“Entry Summary”) and 3461 (“Entry/Immediate Delivery”) required an importer to provide specific and truthful information pertaining to imported goods, including a description of the goods, as well as their manufacturer, value, and country of origin. The information entered on CBP Entry Forms 7501 and 3461 enabled CBP to properly assess import duties, fees and taxes on imported goods.

U.S. Trade Laws Regarding Importation of Goods into the United States

9. Pursuant to Title VII of the Tariff Act of 1930, as amended, the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission, had the authority to impose duties on certain foreign imports, such as anti-dumping duties and countervailing duties, in order to mitigate the adverse impact of various trade practices on domestic industries and workers.

10. Commerce had authority to impose anti-dumping duties to provide relief to domestic industries that have been, or were threatened with, material injury caused by imported goods sold in the United States market at prices that were shown to be less than fair market value (i.e., dumping).

11. Commerce also had authority to impose countervailing duties to give a similar kind of relief to domestic industries that have been, or were threatened with, material injury caused by imported goods that received significant foreign government subsidies and could therefore be sold at lower prices than similar goods produced in the United States.

12. Section 301 of the Trade Act of 1974 ("Section 301"), as amended, authorized the Office of the U.S. Trade Representative to impose import duties in response to unfair trade practices by foreign countries. Such unfair trade practices included violations of U.S. trade agreements, as well as unreasonable or discriminatory practices that burdened or restricted U.S. commerce.

Duties Imposed on Truck Tires from China

13. Tractor-trailer truck tires (hereinafter referred to as "truck tires"), regardless of the country of origin, carried a general duty rate of 4% of their total declared value

14. On or about September 24, 2018, truck tires originating in or imported from China, became subject to a Section 301 duty rate of 10%. Beginning on or about May 10, 2019, and continuing through the date of this Affidavit, that rate increased to 25%.

15. From on or about February 15, 2019, through the date of this Affidavit, Commerce-issued anti-dumping and countervailing duty orders were in effect in the United States that imposed a combined duty rate of 44.99% on all truck tires originating in or imported from China.

16. As a result, starting on or about May 10, 2019, through the date of this Affidavit, the combined duties on truck tires originating in or imported from China, were 73.99%.

PROBABLE CAUSE

17. As outlined below, there is probable cause to believe that Christopher ROBERTSON conspired with others to commit an offense against the United States, that is, to knowingly and willfully, and with intent to defraud the United States, smuggle into the United States merchandise, that is, truck tires, which should have been invoiced, and make out and pass through the customs house, false and fraudulent invoices and entry documents that falsely represented that truck tires being imported from China were instead imported from Malaysia in order to evade import duties owed on Chinese-origin truck tires, in violation of Title 18, United States Code, Sections 371 and 545.

18. There is also probable cause to believe that ROBERTSON knowingly falsified a document, that is, a letter purported to be from a Malaysian manufacturer of truck tires, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of CBP, an agency of the United States, in violation of Title 18, United States Code, Sections 1519 and 2.

19. ROBERTSON, a citizen of the United Kingdom, is the Managing Director of Ace Tyres International Limited, a Hong Kong corporation incorporated on or about December 28, 2021. ROBERTSON was an operator of Ace Asia International Wheel Co. Limited, a Hong Kong corporation incorporated in 2017 and dissolved on or about August 13, 2021.

20. Starting in June of 2021, HSI Special Agents, with the assistance of CBP import specialists, investigated Production Tire Company ("Production Tire") and Premier Trade Corporation ("Premier Trade"), Miami-based companies that imported and sold truck tires. HSI

and CBP uncovered that Hector Esquijerosa, the owner and operator of Production Tire and Premier Trade, was involved in a sophisticated scheme to evade anti-dumping and countervailing duties applicable to imports of truck tires from China. In December 2021, HSI executed a court-authorized search warrant on the Miami warehouse operated by both Production Tire and Premier Trade. As a result of the search, Esquijerosa's cell phone and computer were seized and forensically searched. The forensic review of Esquijerosa's cell phone and computer revealed evidence that, starting no later than September 2018, Esquijerosa conspired with others, including brokers, suppliers and wholesalers of truck tires located in China, Canada and the United Kingdom, including with ROBERTSON, to evade anti-dumping and countervailing duties applicable to truck tires manufactured in China that Production Tire and Premier Trade imported into the United States and sold to their customers in the Southern District of Florida and elsewhere.

21. HSI agents also obtained evidence that Esquijerosa, working with ROBERTSON, continued evading anti-dumping and countervailing duties imposed on truck tires manufactured in China after the execution of the search warrant at his warehouse. Esquijerosa continued to import, and attempt to import, Chinese-made truck tires through January 2023 using a different importer, Company 1, a Massachusetts corporation with a principal address in Mansfield, Massachusetts.

22. On September 30, 2024, Esquijerosa was charged by Information in case no. 24-20436-CR-Altonaga, with conspiracy to commit an offense against the United States, in violation of 18 U.S.C. §§ 371 and 545. The conduct charged in the Information is Esquijerosa's conspiracy with ROBERTSON and with others to smuggle Chinese-origin truck tires into the United States using false and fraudulent invoices and entry documents to evade the duties applicable to truck tires manufactured in China. Esquijerosa's scheme resulted in a loss of revenue to the United States in excess of \$1.9 million.

23. The email and WhatsApp communications between Esquijerosa and ROBERTSON, obtained from the search and seizure of Esquijerosa's computer and cell phone, revealed that ROBERTSON was a broker or distributor of truck tires rebranded as "Armforce" truck tires. Furthermore, in 2021, Esquijerosa, using Premier Trade, began purchasing and importing Armforce truck tires supplied by ROBERTSON that were purportedly made in Malaysia. Based on Esquijerosa's conversations and communications with ROBERTSON, Esquijerosa learned that ROBERTSON's Armforce tires were not made in Malaysia, but rather that these were Chinese truck tires that ROBERTSON shipped to Malaysia where he had them rebranded in order to make them appear as if they were made in Malaysia. As the WhatsApp chats discussed below between Esquijerosa and ROBERTSON revealed, as well as CBP seizures of these "Armforce" truck tires, ROBERTSON was having some or all of the original markings from the sidewalls of the Chinese tires removed and replaced with other markings in order to conceal the tires' true brand, manufacturer, and/or country of origin.

**WhatsApp Chats Between ROBERTSON and Esquijerosa
Using Premier Trade to Import Chinese-Made Truck Tires**

July 2021 Import – Entry Number CEY-10214581

24. According to my review of the WhatsApp communications between Esquijerosa and ROBERTSON, the two met virtually on February 15, 2021, when they exchanged a series of WhatsApp messages.

25. During the initial chats on February 15, 2021, ROBERTSON explained that he was an international distributor of truck tires manufactured in Malaysia and Thailand, which had "no anti-dumping in the USA." ROBERTSON further explained that his brand was "Armforce." When Esquijerosa asked about another brand, ROBERTSON explained that such brand was "difficult to rebrand and get to you without anti-dumping they don't let me do it." Later in the conversation,

ROBERTSON assured Esquijerosa that the truck tires were “good quality” and “we just take the over runs production and rebrand re ship in Malaysia or Thai.” ROBERTSON also said to Esquijerosa “do not mention China to your agent; your tyres [sic] are Malaysian bro, or Thai.” Esquijerosa responded, “Yessss no worries.”

26. My review of the WhatsApp chats also revealed that on April 20, 2021, ROBERTSON sent Esquijerosa photographs of the rebranded Armforce tires. The photographs of the truck tires displayed a series of letters and numbers on the sidewall of the tires, which is a number assigned to the manufacturing plant by the U.S. Department of Transportation (“DOT”). In those chats, ROBERTSON explained that the markings on the tires were altered to falsely reflect that they were made in Malaysia instead of China. For instance, ROBERTSON said to Esquijerosa that it was “DOT Malaysia” followed by a wink sign ;-). He then wrote, “Remember it’s a secret” followed by “lol” and a laughing emoji. Esquijerosa responded, “I know” and ROBERTSON explained that the “DOT was all from Golden Horse Malaysia factory” followed by a wink emoji. Esquijerosa responded, “ok great, that’s what I need.” Esquijerosa then placed an order for two containers of Armforce truck tires.

27. On or about July 12, 2021, two containers loaded with a total of 536 truck tires arrived at the Port of Savannah, Georgia. The truck tires were imported by Premier Trade under entry number CEY-10214581. On July 19, 2021, after the truck tires arrived at Esquijerosa’s warehouse in Miami, Florida, Esquijerosa sent ROBERTSON pictures of the tires complaining about their condition. Specifically, the buffing on the side of the tires was very noticeable, so they appeared damaged. ESQUIJEROSA complained that “the rebranding is horrible.”

August 2021 Seizure – Entry Number CEY-10218442

28. Between July and August of 2021, Premier Trade attempted to import three shipments of new truck tires, totaling approximately 1,300 tires, through the Port of Savannah, Georgia. Premier Trade's entry forms reported the tires as originating in Malaysia. The first two shipments were successful (including Entry Number CEY-10214581 mentioned above). On or about August 21, 2021, Esquijerosa and ROBERTSON, using Premier Trade, attempted to import two additional containers loaded with a total of 542 truck tires through the Port of Savannah, Georgia. CBP selected the shipment for examination and discovered that most of the tires were marked on their sidewalls with the brand "ArmForce" and the DOT manufacturer plant code 02H, which was assigned to Golden Horse Rubber SDN BHD ("Golden Horse"), a tires manufacturer based in Malaysia. According to information received from the DOT, who contacted Golden Horse regarding this shipment of ArmForce tires, the only tire brands manufactured by Golden Horse were FullRun and FullWay. Based on those facts and other information, CBP detained the truck tires.

29. My review of WhatsApp messages between Esquijerosa and ROBERTSON revealed that after the containers of truck tires were detained by CBP upon arrival at the port in Savannah, Esquijerosa sent ROBERTSON numerous messages keeping him informed about the status of the tires and enlisted his help in trying to get them released from CBP.

30. In a letter dated November 2, 2021, CBP formally notified Premier Trade that it had seized the 542 tires that arrived at the Port of Savannah, Georgia. The letter indicated that the forfeiture of the merchandise was because the tires were not manufactured to meet the Federal Motor Vehicle Standards, and because the merchandise was manufactured in China, but "the country of origin and plant code markings [i.e., the DOT number] fraudulently indicates

Malaysia.” The letter notified Premier Trade of options it had available to contest the forfeiture, including to file a petition with CBP within 30 days “seeking remission of the forfeiture.”

**ROBERTSON Drafted Fake Letter from Malaysian Manufacturer
to Improperly Influence CBP’s Administrative Proceeding**

31. On November 2, 2021, Esquijerosa sent ROBERTSON photographs of the seized tires, which had blemishes and buffed areas on them. Esquijerosa asked ROBERTSON to find an “expert” who could tell CBP that the blemishes were typical and did not look like “Made in Malaysia was added on after the fact.”

32. Esquijerosa also asked ROBERTSON for a letter from the manufacturer that would explain the imperfections and the buff marks as part of the manufacturing process. The conversation that followed resulted in ROBERTSON supplying Esquijerosa a false letter that purported to be from the Malaysian manufacturer, Golden Horse. ROBERTSON responded to Esquijerosa’s request for a letter from the manufacturer by saying, “100%! I will get the letter made up and make it from a fake account golden horse and email I need to set that up on the log in.” Esquijerosa then explained that he needed the letter “to say that the buff marks are to smooth out the blemishes and all that crap.” ROBERTSON told Esquijerosa “don’t worry I will have something done and let you see it shortly.”

33. On November 8, 2021, ROBERTSON sent Esquijerosa a draft letter with Golden Horse letterhead explaining that tire blemishes are cosmetic damage that will not hinder the tire’s “safety levels” for “quality control.” The letter had an unsigned signature block with the name of a Golden Horse “production and quality service” official. On November 9, 2021, ROBERTSON and Esquijerosa discussed who would sign the letter, and ROBERTSON explained that he was traveling, but to “make a fake signature if you want.” Esquijerosa responded, “ok I will.”

34. On December 2, 2021, Esquijerosa's counsel submitted a petition to have the tires released in response to CBP's seizure notice of November 2, 2021. In the letter petition, Esquijerosa's counsel argued that the tires were compliant with DOT, both because the blemishes were cosmetic in nature, and because the tires were clearly marked with the plant code indicating they were made by Golden Horse in Malaysia. The attorney attached several documents to the petition, including the purported letter from Golden Horse explaining that the blemishes were cosmetic. The letter was signed. The attorney restated the points made in the fake letter that the blemishes were cosmetic in nature and did not hinder the tire's safety levels or quality control.

**ROBERTSON and Esquijerosa Used Company 1
to Continue Importing Chinese-Made Truck Tires**

35. WhatsApp communications between ROBERTSON and Esquijerosa after CBP's August 2021 tire seizure, and before the search warrant was executed in December 2021, revealed that Esquijerosa no longer wanted to import Chinese truck tires using his company, Premier Trade, believing it to be "flagged" by CBP. As a result, ROBERTSON introduced Esquijerosa to another importer, the owner of Company 1, based in Massachusetts. The WhatsApp chats between ROBERTSON, Esquijerosa and the owner of Company 1 indicated that ROBERTSON would continue to supply Esquijerosa Chinese-made "Armforce" tires through Malaysia using Company 1.

36. CBP records indicate that Company 1 successfully imported five containers of truck tires in 2022. On November 30, 2022, CBP seized a shipment of two containers loaded with 605 truck tires (Entry Number NF7-22224641) that arrived at the Port of Miami listing Company 1 as the importer. The tires, most of which were "Armforce" brand, had the DOT number corresponding to the Malaysian manufacturer, Golden Horse. The owner of Company 1 did not contest the seizure of these truck tires and released them to CBP.

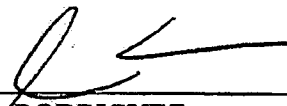
37. On June 21, 2024, your affiant interviewed the owner of Company 1. During the interview, Company 1's owner stated that he met ROBERTSON online in 2021. ROBERTSON offered him the opportunity to import into the United States new Armforce truck tires made in Malaysia on behalf of Production Tire. Company 1's owner and Esquijerosa later reached an agreement whereby Production Tire would pay \$14.00 to Company 1 for each tire imported. Under the agreement, Company 1 was responsible for clearing Customs and paying all duties and related fees. ROBERTSON was responsible for arranging the transportation of the containers from Malaysia to the United States. Company 1's owner explained that his company imported, or attempted to import, a total of 7 shipping containers loaded with Armforce truck tires into the United States on behalf of Production Tire, as follows: The first four containers successfully cleared CBP and were delivered to Production Tire's warehouse in Miami, Florida. There was another container of truck tires for which Esquijerosa refused to pay the fees associated with its release from the Port of Miami and ROBERTSON was able to sell to another company. Lastly, the owner of Company 1 mentioned the two containers that CBP seized after their arrival at the Port of Miami November 30, 2022.

38. ROBERTSON's participation in Esquijerosa's scheme to evade import duties on Chinese-made truck tires resulted in a loss of revenue to the United States of approximately \$345,448. My review of WhatsApp communications between ROBERTSON and Esquijerosa, and between ROBERTSON and the owner of Company 1 indicates that ROBERTSON supplies "Armforce" branded truck tires to other importers across the United States.

CONCLUSION

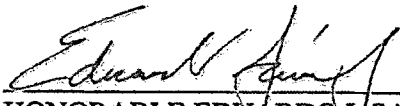
39. Based on the foregoing, I respectfully submit there is probable cause to believe that Christopher ROBERTSON conspired to commit an offense against the United States, in violation of 18 U.S.C. §§ 371 and 545, and obstructed justice, in violation of 18 U.S.C. § 1519.

FURTHER AFFIANT SAYEHT NAUGHT.



ARIEL RODRIGUEZ
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1
by Face Time this 5th day of November 2024.



HONORABLE EDUARDO I. SANCHEZ
UNITED STATES MAGISTRATE JUDGE